

WILLARD CITY CORPORATION PC101515

DATE: October 15, 2015
TIME: 6:30 p.m.
PLACE: Willard City Hall
ATTENDANCE: Chairperson – Terry Ross
Commissioners: Sidney Bodily, Gary Hart, Leslie Meyer, John Seamons
Bryce Wheelwright - City Planner (non-voting member)
Gaylene Nebeker - Planning Commission Secretary
EXCUSED: Chandler Bingham, Michelle Mund City Council member (non-voting member)
CITIZENS: See attached sheet

1. **Prayer** – Leslie Meyer

2. **Pledge of Allegiance conducted by** - Sid Bodily

3. **General Public Comment (Input for items not on the agenda)**

Jim Wells 125 N 300 E – Doug Young had a meeting to meet with the landowners in the area of the subdivision and he wanted the city to know he is in favor of the subdivision going in. He stated the only thing he is not in favor of is the way Doug is building on different ends and said with his property in the middle developers are not looking at his property. He stated the property was ok'd with the open space but now Doug is wanting to develop on one end and then moving to the other end he cannot do anything with his property unless Doug purchases his property. He was told by Doug he was going to purchase but has not made any effort to do so. If he builds the way he wants to he would become land locked until he decides to develop. He is asking the Planning Commission for advice on what can be done. The land is in a trust and under the terms of the trust needs to be taken care of within a year.

Chairperson Ross asked if Doug was interested in purchasing the property at this time. Mr. Wells stated he talked to Doug after the meeting and asked him if he would be interested in purchasing part of the property and was told he would like to but was not sure when. He stated the city needs to put time restraints on developments. He does not want the city to hear that he is against the development and causing problems because he is not against it. He is only against the way it is being put together. He had a developer come in and look at the property and was told he would be purchasing a lot of problems if he purchased it. He is trying to sell it on his own and is having issues because of the way it is being proposed. He thanked the Planning Commission for all they do.

4 **Public Hearing to take public comment on proposed changes to the Future Land Use Map to incorporate a Commercial Neighborhood Zone along Hwy 89 from 1450 North to the south city limits and 220 ft. east and west.**

A motion was made by Commissioner Meyer to open the public hearing for comments at 7:38 p.m. The motion was seconded by Commissioner Bodily. The motion carried.

Helen Jane Lemon – 260 South 200 West was happy to see this item on the agenda and was in favor of having a commercial neighborhood zone along Hwy 89. When she was on the Planning Commission she went to Perry City to see how they handled putting commercial into a residential zone. She was told they encouraged residential in with their commercial but had different lot dimensions than what we are proposing. As far as a tax base for Willard City she did not think it would come until the city has commercial and stated it may not even come but at least developers have a chance if it is rezoned.

Chairperson Ross asked for any additional comments. There were no comment so he asked for a motion to close the public hearing.

A motion was made by Commissioner Bodily to close the public hearing at 7:40 p.m. The motion was seconded by Commissioner Hart. The motion carried.

Discussion on proposed changes to the Future Land Use Map to incorporate a Commercial Neighborhood Zone along Hwy 89 from 1450 North to the south city limits and 220 ft. east and west.

Chairperson Ross stated in discussing the long term future planning the Hwy 89 corridor was the most logical place to put Commercial Neighborhood and will make it easier for developments to come in. If a development comes in they would still need to apply for a re-zone and if it fits within the zone they could move forward. Jim Wells asked if there were any restrictions on what could be put in. City Planner Wheelwright stated it would only be mom and pop type joints no big box stores and would go from 1450 North to the southern city limits. Chairperson Ross said the reason they did not go to Hargis Hill was the line of sight and traffic flow coming over Hargis Hill. City Planner Wheelwright said developers would be required to get UDOT approval for accesses. Chairperson Ross asked for any additional comments or concerns and asked for a motion to forward to City Council.

A motion was made by Commissioner Meyer to forward the Future Land Use Map to incorporate a Commercial Neighborhood Zone from 1450 North to the southern city limits to the City Council for review. The motion was seconded by Commissioner Hart. The motion carried.

5. **Discussion Items**

a. Re-Zone Application – Jared Erickson representing Samuel Kunzler for Parcels #02-035-0046, 02-038-0056, 02-040-0002, 02-043-0013, 02-038-0009, 02-040-0001 and 02-040-0011 from A-3 and A-5 to R1/2 approximately 1469 Hargis Hill

Jared Erickson asked if the Planning Commission had read the packet of information he submitted to City Planner Wheelwright. He said they submitted the plan in 2010 at the same time the market started a decline and they were not working on the project as much as they wanted. He wanted the Planning Commission to know that he was not blaming the city for not moving forward with the request and felt that something needs to be done so they can move forward on the Kunzler's property. He said that several land owners (Kunzler's, Marion Stokes, Dave Ormond and Maurice Roche) have signed the submitted general plan application that includes 220 acres of land that landowners are in favor of something going in but not necessarily 1,3 or 5 acre parcels. They have been told by several City Council and Planning Commission members that Willard wants and needs good development to help pay for the sewer system but nothing has been done to allow any development in North Willard with most of the development

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happening in the southern portion of the city. Jared asked the Planning Commission what they would like to see and to leave this meeting with some type of direction on how to proceed. Their planner Corey Shupe has tried to put a plan together the way the area is currently zoned and he has said it would not be feasible to develop in those strip zones. He said the Kunzler's did not like that he contacted an attorney but stated they have been at this project for 5 years and they needed legal advice on what to do.

He talked about an application he submitted for the Planning Commission to review the General Plan and he has never heard back formally or informally that the Planning Commission was working on it and then was told by City Planner Wheelwright that the ordinance was reviewed and was going to stay the way it was. Jared said there is a list of questions on the back of the letter that he would like answers too.

1. Did the Planning Commission actually vote not to make any changes to the land use plan in North Willard or has there just been no action taken on it. City Planner Wheelwright stated the Planning Commission reviewed and forwarded the revised General Plan to the City Council who reviewed it and approved it. Jared stated when he comes to meetings he is told there needs to be good development in Willard and felt there is no development that makes sense the way the ordinance currently stands. They applied for a zone change in 2012 and was approved for R ½ acre parcels above 100 West but it is not economically feasible to do a development west with 1,3 and 5 acre parcels. He asked if the Planning Commission thought this would be the best way for the city to be developed or did they decide they did not want to deal with it. Chairperson Ross asked what the issue was with the larger parcels and asked about the swampy land. Mr. Erickson stated they have a wetland delineation done. Commissioner Bodily said when the Planning Commission first looked at the plan there was not access on 200 West and there was only one way out. He also stated we change the zoning to benefit the city not one individual. Mr. Erickson showed a plan that was (not the one represented at the rezone) and showed 2 access off of Hargis Hill Road and stated no one has access off of 200 West. City Planner Wheelwright stated there were 2 issues one being a right of way by Larry Holmes for farmers to use that was not addressed and the other being on one access in and out. The City Council approved the rezone request to 100 West but nothing below. Mr. Erickson asked is the General Plan for north Willard deemed to be the best plan for Willard City. City Planner Wheelwright said that he could apply for a Planned Development and a Development Agreement would need to address water, sewer, etc. but the developer would be responsible for getting them to their development.

Mayor Braegger stated it has been about 5 years ago that the current General Plan along with a few changes was developed went on to say that it was an aggressive move for the Planning Commission and City Council to put this plan into effect. Before this plan was put in place the area out north was zoned A-5 and MU 40. He felt for them to do this development Willard is already struggling with water on the north end of town and will be very expensive for them to put in the infrastructure and this is why we try to build from the center of the city outwards because the infrastructure is already in place. Putting roads in will not be as big of a concern as getting water. He suggested they look at putting in a PD which will allow for density and could possibly use the wetlands for open space and they would be able to utilize their land better. He also stated the Planning Commission has reviewed this plan and will forward to the City Council and the City Council is not going to approve any zoning that is not allowed in the General Plan. The idea behind the current plan was to restrict growth so that infrastructure grows out with the plan. Mr. Erickson stated there are several landowners who would be willing to share in the cost of developing the land. He asked if the city would be in favor of them putting in a PD (Planned Development) City Planner Wheelwright stated it would need to have a mixture of different type houses so it is not so cookie cutter looking. Mr. Erickson again asked what the city wants. To move forward with a development under the current code they feel it is not feasible. Chairperson Ross asked Mr. Erickson to explain why it is not feasible. City Planner Wheelwright showed on the map the current zoning and the way the parcels are laid out. Mr. Erickson stated if you took the map and figured out the density and with the current zoning you could develop it that way but the way the parcels are laid out you cannot develop. They could

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ask the city for a deviation but you cannot come up with a plan with the hard lines of the parcels. City Planner Wheelwright stated the lines are not set in stone.

He stated it is up to them to come in with a plan it is not up to the city to come up with a plan to make them money. Commissioner Meyer asked where the other property owners he referred to lived. Mr. Erickson stated to the south of the Kunzler's. He will move forward with the PD and have the city let them know what the overall density would need to be. He has been given a copy of the Planned Development Ordinance which allows for a minimum of 10,000 sq. ft. lots, 4 units per acre. It was asked how many acres they would be working with. There is 79 acres above the tracks, 16 acres open space, 45 acres that would be developed there will be 161 10,000 sq. ft. lots. He stated a PD is what the city will allow and was told it would be a process. He asked the Planning Commission for their ideas.

Commissioner Meyer stated she was ok with the park being trails as long as we maintain open space.

Commissioner Bodily stated they needed to come up with a plan that will fit the city.

Mayor Braegger said he had meet with the Box Elder School District and they are very interested in putting a school in the northwest section of Willard around 200 West and will need approx. 5-6 acres. He stated the city may work with him on putting in higher density to secure a parcel of land for the school and suggested they look at incorporating that in their plan.

Commissioner Seamons asked about putting in a church. Mr. Erickson stated with a school they would not look at putting in a church too. Mayor Braegger suggested he approach the School Board on what they are looking for. Mr. Erickson stated with a school they could allow for higher density but the ordinance will not let you go below 10,000 sq. ft. lots. Mayor Braegger stated with Willards PD Ordinance you are allowed to have 4 units per acre with 30% open space but it is hard to get units per acre with 10,000 sq. ft. lots and the city may negotiate with them on the open space to get 4 units per acre in order to acquire land for a school. The city would not go less than 10,000 sq. ft. lots. Mr. Erickson stated they would lose about 40 houses with a PD and if they cannot negotiate the school the house count could go back up. He asked the Planning Commission if they felt this was too high of a density for the area. Chairperson Ross felt the density was not going to be an issue and asked about the strip of land down the middle. Mr. Erickson stated it belongs to Larry Holmes and he had met with him a few years ago unless there was a concrete plan he was not interested at this time. He showed on the plan that he would not be land locked and it would not be a true cul de sac but a dead end until 100 West goes through. He did say he would go and talk to Larry Holmes about future 100 West going through his property and to see if he would get on board with the development. Chairperson Ross asked how many homes can be put on a dead end street. It was stated 10 homes without a second access. There was no further discussion and Mr. Erickson stated he would contact the School Board and include 100 West on the plan and come back with a new plan for the next meeting on November 19th and would need information by November 5th. He asked the Mayor if they were to do a 6 acre would the city allow less than the 30% open space. Mayor Braegger stated the city may be able to negotiate the open space down in order to acquire the 6 acres for the school. He felt it would be beneficial to have the school in Willard and having 4 units per acre allows flexibility for negotiation and we would need to see the city was getting something in return. Mr. Erickson asked if the 6 acres could be counted as open space. The mayor stated yes.

Chairperson Ross said if you put in a PD in North Willard along with a school that encourages more growth which will require changes to the Future Land Use Map. Mayor Braegger stated if they want to change the Land Use Map they would need to come to the city with a petition from the landowners in that area asking the city to look at their request.

Commissioner Seamons said besides the 4 landowners on Jared's application how many additional landowners are there. It would be all the landowners from 750 North to the northern city limits. Chairperson Ross said we have made progress with the Land Use Map and asked Mayor Braegger if we need to address it further. Mayor Braegger stated not everyone is going to be happy with the Land Use Map. There was discussion held on why Box Elder County re-

zoned the southern portion of Box Elder County R ½ and felt the reason was so that they did not have to deal with citizens complaining about why one is allowed to do something and another one not. He felt that Willard was not ready to have everything zone R ½. Chairperson Ross stated with a PUD we could get open space. Mayor Braegger stated the reason behind a PD is for the developer to get their ½ acre density and we get open space. Chairperson Ross asked if we need to address the 30% versus the 4 units per acre. City Planner Wheelwright said it is standard practice in most cities and most cities allow multiple use housing for density. Mayor Braegger felt the PD Ordinance was put in place to give the city room to negotiate for things that will benefit the city. The PD Ordinance is a good tool for dealing with wetlands or unusable ground. Commissioner Bodily had concerns that if they come back with a plan do they have the financing to make it happen. City Planner Wheelwright also said a time limit would need to be included in their Development Agreement and if they do not meet the requirements of the agreement the property would go back to the previous zone. Commissioner Bodily said it was good to come up with a plan and asked if they have a developer. City Planner Wheelwright was not sure. Mayor Braegger stated as a city they will have a deadline and they would need to escrow money up front to guarantee the project will get done within the time allowed. There was discussion held on how expensive the project will be to do. Commissioner Bodily asked about water and could he go in with Doug Young. Mayor Braegger stated it would be hard where they are on opposite ends of the town. Commissioner Seamons asked how they would run water to the project. Mayor Braegger stated they are in a lower pressure zone and would need to acquire property for a reservoir the city would then be able to flow water to it through the current system and then it would feed the subdivision. He said it is do-able but would not be cheap to do. There was no further discussion

b. Review of Draft Ordinance for Non-Motorized Trails

City Planner Wheelwright presented a draft ordinance for the 200 West Trail and the proposed park in the debris basin so violations can be enforced. He asked for comments or concerns with the ordinance. Mayor Braegger stated in the ordinance it talks about paved trail and suggested paved be taken out so that it covers all types of trails identified by Willard City. Commissioner Seamons said as a trail person there was all types of things people would not be allowed to do. He said there are going to be a lot of trails around and asked if there would be ATV trails or access with a motorized vehicle. City Planner Wheelwright said we would need a separate ordinance for motorized trails. You could have one ordinance which would address motorized and non-motorized vehicles. Commissioner Meyer asked for time to review the ordinance and make changes for the next meeting. Commissioner Seamons asked if the trails would connect with any of the other cities around our area. Mayor Braegger said that the county is working on coming from the county line north and would tie to the rail system trail in West Weber County. That trail is an improved trail but is dirt and this trail could eventually continue into Utah County and in time will connect to the Perry side and continue into Brigham City. Commissioner Seamons asked if this ordinance would match up with Weber's Trail Ordinance. City Planner Wheelwright stated a lot of this ordinance comes from Weber and Mayor Braegger suggested we look at our cities ordinances to compare.

6. Approval of Minutes

The minutes of the September 17, 2015 Planning Commission meeting were reviewed. A motion was made by Commissioner Bodily to approve the above minutes as amended with typographical errors. The motion was seconded by Commissioner Hart. The motion carried.

7. Commissioner Comments/Staff Comments

City Planner Wheelwright stated he would be attending a meeting in Price on November 5, 2015 and stated it was open to anyone who would like to attend and suggested the meeting scheduled for that night be cancelled. He also reported on upcoming training in Brigham City on October 22, 2015 presented by Dave Church with the ULCT. He also reported that Doug Young will be coming in with a new plan.

Commissioner Meyer asked about the portion down the center belonging to the Wells, she said it has been determined they cannot develop both of those pieces because it there is not a connecting road and asked if he could come in with a plan for just the south and not the north end. City Planner Wheelwright felt this would be wise on his part and has been approved for a Phase 1. If he was to buy the lower portion that would connect the parcels he would be able to do the development.

Commissioner Bodily stated he comes in with a plan showing all the parcels but he does not have control of all the parcels. He asked what type development Willard is going to get if he does not get control. City Planner Wheelwright stated this is what concerns the city. He has talked about Doug going in with a partnership with the landowners that would allow them to get money when it was all built out. This would not work out for Jim Wells because he only has a year to sell the property.

Commissioner Bodily felt we should not have approved the plan because he did not own the property and the plan has changed many times since the first plan. He asked with the approved plan always hanging out there and new plans being brought in can the Planning Commission do away with some of the other plans. City Planner Wheelwright stated when he comes in with a new plan we need to let him know he will not be able to go back to the other plans with the exception of the original approved plan. Commissioner Meyer asked how he can do the original plan where the landowner has passed away. City Planner Wheelwright stated the city has a signed affidavit that is signed by Eddie Wells and Emily Watkins that their property is included. Commissioner Meyer stated Eddie Wells is no longer the property owner that the Jim Wells Family is. City Planner Wheelwright stated that is a legal issue and he was not sure of the answer.

Commissioner Bodily voiced concerns about another year going by and nothing being done on the Nuisance Ordinance. Mayor Braegger stated he would contact Willard City Attorney Kevin McGaha to see what the issues were. Chairperson Ross stated at the last meeting there was a discussion was held on a proposed cement plant and stated the individual who voiced concerns about the dust ruining his crops knew what was in his back yard when he purchased the property. Commissioner Seamons said Mr. Tagges window for when dust becomes a problem is when it is ripe to harvest so it is not all year long. Mayor Braegger stated there are no dust issues at a batch plant the only issue is the when the wind blows the dust around in the gravel pit. There was discussion held on the proposed batch plant.

8. **Adjourn**

A motion was made by Commissioner Meyer to adjourn the October 15, 2015 Planning Commission meeting. The motion was seconded by Commissioner Seamons. The motion carried. The meeting adjourned at 8:05 p.m.

Minutes were read individually and approved on **November 19, 2015**

Planning Commission Chair Person
Terry Ross

Planning Commission Secretary
Gaylene Nebeker